

Natural Resources

PUBLIC 52 **An Act To Amend the Licensing and Certification Requirements
Relating to Asbestos Abatement Activities** **LD 40**

<u>Sponsor(s)</u> MAYO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-66
---------------------------	-----------------------------------	-----------------------------------

Public Law 2005, chapter 52 requires that all persons engaging in asbestos abatement activities, except asbestos abatement activities related to disposal undertaken at licensed asbestos disposal sites, be subject to licensing and certification requirements. It also clarifies that the Commissioner of Environmental Protection may waive the licensing or certification requirement for asbestos abatement activities undertaken by persons licensed by the Oil and Solid Fuel Board who perform emergency repair, installation, removal or servicing of heating equipment in single-unit residential buildings.

PUBLIC 90 **An Act To Establish and Implement the Maine STEP-UP Program** **LD 1057**

<u>Sponsor(s)</u> SNOWE-MELLO DAIGLE	<u>Committee Report</u> OTP MAJ ONTP MIN	<u>Amendments Adopted</u>
--	--	---------------------------

Public Law 2005, chapter 90 establishes the Smart Tracks for Exceptional Performers and Upward Performers Program within the Department of Environmental Protection. It requires a contractual relationship between state organizations and businesses and the Commissioner of Environmental Protection to achieve sustainability objectives, including energy and natural resources conservation. It also defines sustainability.

PUBLIC 100 **An Act To Allow Counties To Recover the Cost of Cleaning Up
Hazardous Spills** **LD 271**

<u>Sponsor(s)</u> COWGER KOFFMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-87
--	-----------------------------------	-----------------------------------

Public Law 2005, chapter 100 entitles counties to reimbursement for removal costs associated with prohibited discharges of hazardous materials. It authorizes a county, at the request of one or more municipalities, to sue for recovery on their behalf for removal costs associated with prohibited discharges of hazardous materials. It also provides for the recovery of legal costs and attorney's fees associated with the legal action.

Natural Resources

PUBLIC 116 An Act Concerning Significant Wildlife Habitat and Wetlands of Special Significance

LD 261

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN PERRY J	OTP-AM	H-193

Public Law 2005, chapter 116 adds a definition of "timber harvesting" within the definition of "forest management activities" to improve consistency between the natural resources protection laws and the Maine Revised Statutes, Title 12, section 8868.

It adds a limitation to the existing exemption for minor alterations in freshwater wetlands by providing that the exemption would not be available if the proposed activity would occur in a significant wildlife habitat.

It removes the requirement that significant vernal pool habitat, high and moderate value waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas be mapped through a formal rule-making process. Instead, the habitats must meet specific criteria adopted through major substantive rulemaking. For solely forest management activities, significant wildlife habitat must be mapped through formal rulemaking.

PUBLIC 144 An Act To Promote Sound Science in Climate Change Policy

LD 72

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	OTP-AM MAJ ONTP MIN	H-274

Public Law 2005, chapter 144 directs the Department of Environmental Protection to include in its biennial climate change evaluation a review of the cost-effectiveness of the actions taken toward meeting the greenhouse gas emissions reduction goals. It also requires the department to submit a report of its evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters and it authorizes the committee to report out legislation relating to the evaluation to the second regular session of any Legislature.

PUBLIC 148 An Act To Amend the Law on Mercury-added Products

LD 185

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN COWGER	OTP-AM	H-271

Public Law 2005, chapter 148:

1. Authorizes municipal code enforcement officers to enforce the prohibition on the crushing of motor vehicles without first removing any mercury switches;
2. Defines the term "scrap recycling facility" as used in the law governing removal of mercury switches from motor vehicles;

Natural Resources

3. Prohibits the sale of mercury-added lamps after January 1, 2006 unless, as currently is the case for other mercury-added products, the lamps have a label indicating that they contain mercury. Chapter 148 exempts products that contain mercury-added lamps from the labeling requirement and it provides that compliance with the labeling requirement can be met by complying with similar requirements adopted by another state;
4. Clarifies the prohibition of scrapping motor vehicles without first removing any mercury switches; and
5. Increases the amount that automobile manufacturers must pay in compensation for the costs of removing the mercury switches from motor vehicles.

**PUBLIC 157 An Act To Ensure Financial Solvency in Maine's Air and
Wastewater Licensing Programs**

LD 293

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM MAJ	H-243
COWGER	OTP-AM MIN	

Public Law 2005, chapter 157 authorizes the Department of Environmental Protection to assess a one-time fee of up to \$350 for general permit coverage for industrial storm water discharges until September 30, 2006. It also directs the Department of Environmental Protection to prepare a report on the fees assessed in connection with the general permit for industrial storm water discharges. The report must be submitted to the Joint Standing Committee on Natural Resources by January 30, 2006, and the committee is authorized to report out legislation dealing with the fee report to the Second Regular Session of the 122nd Legislature. Chapter 157 also directs the Department of Environmental Protection to prepare and implement a plan to train program personnel to conduct cross-media compliance inspections of gasoline stations and to prepare a report regarding the feasibility and advisability of conducting a pilot program using state-certified inspectors to conduct gasoline station compliance inspections. Finally, it increases the cap on disbursements for personal services from the Ground Water Oil Clean-up Fund.

PUBLIC 158 An Act To Update the Laws Governing Borrow Pits and Quarries

LD 1506

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS R KOFFMAN	OTP-AM	S-155

Public Law 2005, chapter 158 amends the laws administered by the Department of Environmental Protection governing borrow pits and quarries. The "borrow pit law" regulates excavations for borrow, clay, topsoil or silt.

1. It adds additional standards for quarries and excavations for borrow, clay, topsoil or silt under the site law. The standards require a spill prevention, control and countermeasures plan and address dust control.
2. It clarifies that reclamation of the land affected by mining may include development of the site for residential, commercial, recreational or industrial use pursuant to the borrow pit law and the quarry law.
3. It provides that comments submitted in relation to a notification under the borrow pit law and the quarry law may be submitted directly to the department.

Natural Resources

4. It amends the standards in the laws governing borrow pits and quarries regarding roads, rights-of-way and natural buffer strips to provide that a natural buffer at least 50 feet wide must be maintained between the working edge of an excavation and any public right-of-way that does not contain a road. It also provides that when a variance is allowed from the public road standard, it may not result in a natural buffer strip of less than 50 feet between the working edge of the excavation and any road or right-of-way, whichever is farther from the excavation. The buffer along a public road other than a scenic highway may be reduced if there is a public entity or entities with authority to grant permission and the applicant receives permission in writing from each authority.
5. It provides that any written permission to reduce a buffer from a property line in the laws governing borrow pits and quarries must remain in effect until mining ceases and must be recorded in the registry of deeds.
6. It amends the erosion and sedimentation standard in the laws governing borrow pits and quarries to provide that areas for access roads that are not naturally internally drained must meet the standards of the laws governing erosion and sedimentation control in the Maine Revised Statutes, Title 38, section 420-C.
7. It repeals and replaces the existing surface water protection and storm water standards in the laws governing borrow pits and quarries. The new provision clarifies when the storm water standards of Title 38, section 420-D must be met in regard to externally drained areas. It also indicates that a waste discharge must meet standards and obtain authorization pursuant to Title 38, section 413 if required.
8. It adds a numeric standard for fugitive dust emissions to the laws governing borrow pits and quarries.
9. It authorizes the department to grant a release from requirements of the borrow pit law and the quarry law after reclamation of the affected area. The department would be required to inspect the site before the release, and the release would terminate if any further excavation was proposed on the parcel.
10. It provides that all excavations below the seasonal high water table require a variance from the department under the quarry law.
11. It changes in the quarry law the range for a preblast survey from 2000 feet to 1/2 mile from the blast site.
12. It changes the annual fees in the borrow pit and quarry laws.

**PUBLIC 159 An Act To Amend the Laws Governing Water Quality Standards
for Ragged and Seboomook Lakes**

LD 1497

Sponsor(s)
MARTIN

Committee Report
OTP-AM

Amendments Adopted
S-154

Public Law 2005, chapter 159 amends the laws governing the water quality standards for aquatic life and habitat for Ragged Lake and Seboomook Lake, located in the Penobscot River, West Branch drainage. It provides that Class C aquatic life standards must be met in Ragged and Seboomook Lakes except that habitat and aquatic life in the portions of the waters affected by the drawdown of these lakes may reflect the effects of the drawdowns, based on a use attainability analysis conducted by the Board of Environmental Protection.

PUBLIC 181 An Act To Set Emission Limits for Certain Architectural Coatings

LD 1100

Natural Resources

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM MAJ	H-169
	OTP-AM MIN	H-270 DAIGLE

Public Law 2005, chapter 181 establishes limits on the amount of volatile organic compounds that may be contained in certain architectural or industrial maintenance coatings sold, manufactured or used in the State. The coatings for which volatile compound limits are set are: interior wood clear and semitransparent stains and varnishes.

PUBLIC 182 An Act Concerning Invasive Species and Water Quality Standards LD 1304

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	H-245

Public Law 2005, chapter 182 amends water quality standards to allow the Department of Environmental Protection to approve aquatic chemical or pesticide discharges for the purpose of restoring biological communities affected by invasive species, for Class AA, A, B and C waters, for tributaries to GPA waters and in drainage areas of less than 10 square miles. It adds similar authority for GPA waters and clarifies text. It allows the Department of Environmental Protection to approve a chemical treatment to waters for the purpose of restoring water quality in GPA waters. It also adds a definition of "invasive species" to the water classification program.

PUBLIC 212 An Act To Amend the Law Governing Spill Prevention Control and Countermeasure Regulation of Oil Storage Facilities LD 1466

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-316

Public Law 2005, chapter 212 eliminates the repeal date in the law that authorizes the Department of Environmental Protection to enforce federal spill prevention and control regulations at certain aboveground oil storage facilities. It also requires the Commissioner of Environmental Protection to biennially report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the activities undertaken by the department regarding oil storage facility spill prevention control. The first report is due January 15, 2006 and must include an evaluation and recommendations regarding financial consequences for noncompliance with the laws regarding spill prevention control.

Natural Resources

PUBLIC 217 An Act To Exempt Maine Agricultural Fairs from the Requirements of the Site Location of Development Laws

LD 648

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM MAJ	S-151
MILLETT	OTP-AM MIN	

Public Law 2005, chapter 217 exempts development on agricultural fair property from the site location of development laws if the property is not used for motorized racing for more than 14 days beyond the fair days, motorized racing is licensed by the State, use of the property beyond the fair days meets the noise standard of the site location of development law and the property has been identified in an agricultural fair license issued by the Department of Agriculture, Food and Rural Resources prior to September 15, 2006. The amendment also directs the Department of Agriculture, Food and Rural Resources, in consultation with the Department of Environmental Protection, to develop a checklist of environmental issues and to distribute the checklist to applicants for an agricultural fair license. The applicant is required to complete the checklist with the assistance of a soil and water conservation district. The Department of Agriculture, Food and Rural Resources may not issue a license for an agricultural fair prior to receipt of the environmental checklist.

PUBLIC 219 An Act Concerning Storm Water Management

LD 1558

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	S-184

Public Law 2005, chapter 219 does the following:

1. It amends the laws governing waste discharge in the following ways.
 - A. It provides that the Department of Environmental Protection may exempt or license by rule discharges of storm water to groundwater from surface wastewater disposal systems if such discharges will not have a significant adverse effect on the quality or classification of waters of the State. Rules adopted to implement these provisions are routine technical rules.
 - B. It provides that the department may exempt or license by rule subsurface discharges to groundwater from subsurface wastewater disposal systems if such discharges will not have a significant adverse effect on the quality or classification of waters of the State.
2. It amends the laws governing storm water management in the following ways.
 - A. It changes the permitting threshold in the storm water management laws to one acre or more of disturbed area.
 - B. It removes language providing that storm water quality standards only apply in the direct watersheds of water bodies most at risk from development and in sensitive or threatened geographic regions or watersheds.

Natural Resources

- C. It repeals an exemption for construction projects at industrial facilities for which a federal storm water permit application has been made or construction projects at facilities for which storm water is regulated under an existing federal discharge permit.
- D. It changes the fee provisions in the storm water management laws.
- E. It authorizes the department to require a person owning or operating a significant existing source of storm water to implement a storm water management system.
- F. It provides transition provisions.

**PUBLIC 220 An Act To Amend the Dates Associated with the State's Recycling
and Waste Reduction Goals**

LD 406

<u>Sponsor(s)</u> COWGER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-134
-----------------------------	-----------------------------------	------------------------------------

Public Law 2005, chapter 220 accomplishes the following.

1. It eliminates language that limited the application of restrictions on contracts for the provision of small containerized solid waste hauling services.
2. It extends the date by which the State's recycling goal of 50% must be met.
3. It establishes the State's waste reduction goal of 5% as a biennial rather than an annual reduction and extends the date by which the goal must be met.

**PUBLIC 240 An Act To Assist Municipal Implementation and Enforcement of
Storm Water Management Programs**

LD 608

<u>Sponsor(s)</u> KOFFMAN COWGER	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
--	--------------------------------	---------------------------

Public Law 2005, chapter 240 provides that the District Court and Superior Court have concurrent jurisdiction to hear enforcement actions brought by municipalities regarding violations of ordinances and ordinance provisions they are required to enact regarding nonstorm water discharges, construction site runoff and postconstruction storm water management. It also adds these ordinances to the list of environmental ordinances that the municipality may enforce using the land use enforcement mechanism, pursuant to the Maine Rules of Civil Procedure, Rule 80K, authorizing code enforcement officers to prosecute certain violations and by which a prevailing municipality may obtain a fine, injunctive relief or payment of attorney's fees, expert witness fees and costs from the violator if the municipality prevails.

Natural Resources

PUBLIC 245 An Act Regarding New Motor Vehicle Emission Standards

LD 615

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE MARTIN	OTP-AM	H-337

Public Law 2005, chapter 245 requires the Department of Environmental Protection to annually evaluate whether the State should continue to implement and enforce the California standards for new motor vehicle emissions. It also requires the department to report on the evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters, and it authorizes the committee to report out legislation related to the evaluation. It also removes from statute language requiring a report from the Board of Environmental Protection in 2000, and it strikes language that makes rules regarding zero-emission vehicles major substantive rules.

PUBLIC 247 An Act To Require That Hazardous Waste Be Removed from Junked Vehicles

LD 692

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS R	OTP-AM	S-186

Public Law 2005, chapter 247 amends the operating standards for junkyards, automobile graveyards and automobile recycling businesses. It requires that logs be maintained of all motor vehicles handled by the facility. It requires that all fluids, refrigerant, batteries and mercury switches be removed from motor vehicles that are not operable, appliances and other items within 180 days of acquisition by a junkyard, automobile graveyard or automobile recycling business. Items acquired prior to October 1, 2005, however, must have fluids, refrigerant, batteries and mercury switches removed by January 1, 2007. It requires that storage, recycling or disposal of materials complies with federal and state laws. It requires that all fluids, refrigerant, batteries and mercury switches be removed before crushing or shredding. It also provides that a municipality or county may reject an application for an automobile graveyard or automobile recycling business if the applicant has not demonstrated that certain provisions regarding storm water management have been complied with.

PUBLIC 290 An Act To Assist Towns with the Implementation of the Laws Governing Growth Management

LD 1574

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS KOFFMAN	OTP-AM	S-221

Public Law 2005, chapter 290 amends the uses of the Municipal Investment Trust Fund to include restoration of public service infrastructure and the acquisition of open space.

Natural Resources

PUBLIC 330 An Act To Amend Certain Laws Administered by the Department of Environmental Protection

LD 1588

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM MAJ	H-564
COWGER	ONTP MIN	

Public Law 2005, chapter 330 makes the following changes to laws administered by the Department of Environmental Protection.

1. It repeals sections providing for issuance of permits by the Board of Environmental Protection for activities affecting coastal wetlands.
2. It redirects appeals of decisions by the Board of Underground Oil Storage Tank Installers from District Court to Superior Court.
3. It clarifies that a producer of biofuels must offer the biofuels for sale and must receive income derived from the sale of the biofuels in order to qualify for an income tax credit.
4. It amends the requirement that the department always hold a presubmission meeting if a preapplication meeting is held. The bill provides that the department may choose not to hold a presubmission meeting if the department determines that the presubmission meeting is unnecessary and the applicant agrees not to hold a presubmission meeting.
5. It amends administrative appeal deadlines and service provisions.
6. It changes a date in the definition of "Code of Federal Regulations" to include regulations effective on or before January 1, 2005.
7. It changes a date in the definition of "Federal Water Pollution Control Act" to include amendments effective on or before January 1, 2005.
8. It changes the review period for a storm water application proposing solely vegetative measures from 30 to 45 days.
9. It clarifies the classification of waters to indicate that the "Clifford Brook" currently listed in the Maine Revised Statutes, Title 38, section 467, subsection 3, paragraph B, subparagraph (7) is located in Marion Township.
10. It amends the laws governing the protection of natural resources to add an exemption for the installation, maintenance or removal of a licensed overboard discharge treatment system, including the outfall pipe, if certain requirements are met.
11. It removes a reference to a list of endangered or threatened species that has been repealed and replaces it with a reference to a section that defines those terms.
12. It restores a permit threshold to the laws governing site location of development specific to oil or gas exploration or production that includes drilling or excavation under water.

Natural Resources

13. It deletes obsolete references to the "board of arbitration" from the laws governing oil spill damage claims.
14. It corrects a statutory reference to oil storage tank rules administered by the State Fire Marshal in the laws governing coverage of oil spill clean-up costs by the Ground Water Oil Clean-up Fund. It also clarifies that those seeking fund coverage of oil spill clean-up costs must pay a \$10,000 deductible if they failed to report the spill for which coverage is sought.
15. It corrects a cross-reference in the laws governing the reporting and removal of hazardous matter discharges.
16. It amends the laws governing the reporting of hazardous matter discharges to incorporate revisions to the reportable quantities under federal law.
17. It amends the laws governing uncontrolled hazardous substance sites so that references to the Commissioner of Environmental Protection are gender neutral.
18. It clarifies the definition of "coastal wetlands" and makes it consistent between the natural resources protection laws and the mandatory shoreland zoning laws.
19. It clarifies the jurisdiction of the Department of Environmental Protection and the Maine Land Use Regulation Commission under the natural resources protection laws and the site location of development law when development activity spans both department and commission jurisdictions.
20. It authorizes a fee for after-the-fact applications submitted to the Department of Environmental Protection.
21. It authorizes the Department of Environmental Protection to participate in the regional greenhouse gas initiative outlined in Maine's climate action plan. It also authorizes the department to submit legislation to implement measures necessary to meet the goals of Maine's climate action plan.
22. It extends the deadline by which the Board of Environmental Protection is to adopt rules that establish water use standards for maintaining in-stream flows and GPA lake or pond water levels that are protective of aquatic life and other uses and that establish criteria for designating watersheds most at risk from cumulative water use.
23. It amends the laws on recycling of electronic waste to do the following:
 - A. It clarifies that the law applies to manufacturers of covered electronic devices even if that manufacturer no longer produces the covered device;
 - B. It establishes November 1, 2005 as the date by which the Department of Environmental Protection must adopt rules specifying the procedure for allocating the costs of electronics recycling;
 - C. It establishes 90 days after the department adopts rules as the date by which computer monitor manufacturers and television manufacturers are responsible for recycling of covered electronics;
 - D. It extends the effective date of the disposal ban on electronic waste from January 1, 2006 to 9 months after the department adopts rules;
 - E. It changes the date that the department must begin providing manufacturers of television and computer monitors with a listing of their pro rata share of the waste stream;

Natural Resources

- F. It allows manufacturers of covered electronics to revise their plans for collecting and recycling the electronics as needed in response to changing circumstances; and
- G. It makes the manufacturer of covered electronics liable for costs incurred by the State as a result of the manufacturer's failure to reimburse the costs of recycling covered electronics.

PUBLIC 341 An Act To Amend the Solid Waste Landfill Laws

LD 597

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TWOMEY COWGER	OTP-AM	H-567

Public Law 2005, chapter 341 requires the Department of Environmental Protection to hold a hearing on or request the Board of Environmental Protection to assume jurisdiction of applications for a vertical increase in the approved final elevation of a commercial or state-owned solid waste disposal facility that accepts special waste upon request for a hearing from 5 or more residents or abutting property owners in the municipality in which the proposed facility is located. It provides that testimony at such a hearing is limited to issues related to relevant standards of review under the solid waste laws. It clarifies that expenses incurred by the department in connection with the hearing must be paid for by the person applying for the license. It also amends the law governing the joint citizen advisory committee for the West Old Town Landfill to include 1 representative of the Penobscot Nation.

PUBLIC 406 An Act To Prohibit the Disposal of Dangerous and Unsafe EMERGENCY Material in Solid Waste Facilities

LD 1633

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE COWGER	OTP-AM MAJ OTP-AM MIN	H-551 H-622 MILLS J

Public Law 2005, chapter 406 makes it a civil violation to knowingly conceal dangerous or unsafe material and dispose of that material in a solid waste facility.

Public Law 2005, chapter 406 was enacted as an emergency measure effective June 17, 2005.

Natural Resources

PUBLIC 409 **An Act To Amend Water Quality Standards**
EMERGENCY

LD 1450

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-291 S-315 COWGER

Public Law 2005, chapter 409 does the following:

1. It requires certain Class C waters to meet a 6.5 parts per million dissolved oxygen 30-day average standard using a temperature of 22 degrees centigrade or the ambient temperature of the water body, whichever is lower. It requires other Class C waters to meet a 6.5 parts per million dissolved oxygen standard as a 30-day average based on a temperature of 24 degrees centigrade or the ambient temperature of the water body, whichever is lower;
2. It requires the Department of Environmental Protection to supervise additional modeling of Gulf Island Pond in order to revise the total maximum daily load for phosphorus;
3. It provides for a study that evaluates the operations of Gulf Island Pond dam and the dam's impact on algae blooms;
4. It authorizes the Department of Environmental Protection to enter into agreements with licensees and water quality certificate holders;
5. It directs the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by February 1, 2006 and annually until 2011 and authorizes the committee to report out legislation to any session of the Legislature; and
6. It amends the bacteria standard for class B, C, SB and SC waters. For Class B and C waters it changes the numerical standards. For Class B, C, SB and SC waters it adds standards for E-coli bacteria of domestic animal origin. It also removes a reference to an out-of-date manual.

Public Law 2005, chapter 409 was enacted as an emergency measure effective June 20, 2005.

PUBLIC 424 **An Act To Amend the Law on Junkyards, Automobile Graveyards
and Automobile Recycling Businesses**

LD 1268

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	S-156 S-163 STRIMLING

Public Law 2005, chapter 424 clarifies municipally administered junkyard, automobile graveyard and automobile recycling business law under the Maine Revised Statutes, Title 30-A, chapter 183, subchapter 1 in follow-up to the comprehensive changes enacted by Public Law 2003, chapter 312.

Chapter 24 does the following:

Natural Resources

1. It amends the hobbyist exemption in the definition of automobile graveyard to provide that municipal ordinances may require areas that are used for hobbyist activities to comply with screening requirements and certain environmental standards.
2. It allows municipal officers or county commissioners to give electronic notice of applications for a new automobile graveyard or recycling business to the Secretary of State.
3. It clarifies that towns or counties are not required to undertake ground water studies whenever a permit renewal application is filed. Instead, it prohibits municipal officials or county commissioners from renewing a permit if there is substantial, credible evidence that the permitted activities have caused contamination of the well.
4. It amends the operating standards for automobile graveyards and junkyards to require that a facility seeking a permit must be actively engaged in the business of salvaging, recycling, dismantling, processing, repairing or rebuilding junk or vehicles for the purpose of sale or trade.
5. It authorizes towns and counties to issue permits to automobile graveyards and junkyards if they meet certain operating standards.
6. It provides that the operating standards set out in current law are conditions of each permit issued.
7. It adds to the cost of a permit for a graveyard or junkyard the cost of posting and publishing notice of hearing that a town or county must provide.
8. It requires towns or counties to provide notice of hearing to the Bureau of Motor Vehicles regarding hearings for revocation or suspension of a permit.

**PUBLIC 440 An Act To Provide for Variance Notification in the Shoreland
Zoning Law**

LD 1161

Sponsor(s)
HUTTON

Committee Report
OTP-AM

Amendments Adopted
H-477

Public Law 2005, chapter 440 requires that a request for a variance from a shoreland zoning ordinance must be forwarded to the Commissioner of Environmental Protection at least 20 days prior to action by the municipality. It provides for comment by the commissioner if the commissioner determines that the variance is in noncompliance with the requirements of state law for a zoning variance or undermines the purposes stated in the Maine Revised Statutes, Title 38, section 435. It provides that these comments are made part of the record to be considered when a decision is made on the variance request.

Natural Resources

PUBLIC 452 An Act To Clarify and Harmonize State Policy on Groundwater Management

LD 1643

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE COWGER	OTP-AM	H-547 H-711 DUPLESSIE

Public Law 2005, chapter 452 directs the Maine Land Use Regulation Commission, the Department of Environmental Protection and the Department of Health and Human Services, when permitting groundwater withdrawals, to consider the effect of the proposed withdrawal on water-related natural resources and existing uses and the effect when considered in combination with existing water withdrawals. It further directs those agencies to develop consistent review criteria for groundwater withdrawal applications by January 1, 2006 and to submit a report to the Governor and Legislature summarizing this effort. The Department of Environmental Protection, the Department of Health and Human Services, the Maine Land Use Regulation Commission and the Maine Geological Survey are directed to review application fees to ensure that they adequately reflect the true cost of review. The Land and Water Resources Council is directed to undertake a comprehensive study of state groundwater regulations. The purpose of the study is to identify any further changes in state law needed to ensure a consistent, integrated and scientifically sound state policy with regard to groundwater withdrawal. The Land and Water Resources Council will report its findings to the Legislature by November 1, 2007. Those agencies will adopt any major substantive rules recommended by the Land and Water Resources Council by March 15, 2007.

P & S 17 An Act To Establish the Maximum Height of a Dam on Phillips Lake

LD 790

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J BLANCHETTE	OTP-AM	S-117

Private and Special Law 2005, chapter 17 restricts the height of the dam on Phillips Lake to 227 feet above sea level and the width of the dam to no less than the current width.

RESOLVE 14 Resolve, Directing a Review of the Effects of Antifreeze, Engine Coolant and Aversive Agents on the Environment and Small Animals

LD 599

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	OTP-AM MAJ OTP-AM MIN	H-162

Resolve 2005, chapter 14 directs the Department of Environmental Protection in cooperation with the Department of Health and Human Services, Bureau of Health and the Department of Agriculture, Food and Rural Resources to review the effects of antifreeze, engine coolant and aversive agents, including denatonium benzoate, on the environment and small animals. It also directs the Department of Environmental Protection to

Natural Resources

submit its findings to the Joint Standing Committee on Natural Resources by January 30, 2006 and authorizes the committee to report out legislation to the Second Regular Session of the 122nd Legislature.

RESOLVE 29 Resolve, Regarding Source Water Protection

LD 1265

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL DAIGLE	OTP-AM	S-157

Resolve 2005, chapter 29 requires the Drinking Water Program within the Department of Health and Human Services, in consultation with the Department of Environmental Protection, the Department of Conservation, Maine Geological Survey and the Department of Agriculture, Food and Rural Resources to submit a report to the Joint Standing Committee on Natural Resources by February 1, 2006. The report must address whether additional requirements are needed for source water protection in Maine and describe recommended options to address those needs. Chapter 29 also authorizes the Joint Standing Committee on Natural Resources to report out legislation to the Second Regular Session of the 122nd Legislature requiring the Drinking Water Program to establish a process to allow public comment and to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters with any subsequent recommendations after consideration of the comments.

RESOLVE 35 Resolve, Regarding the Recycling Assistance Fee

LD 526

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKENNEY NASS R	OTP-AM	H-314

Resolve 2005, chapter 35 requires the Department of Environmental Protection to evaluate possible alternative funding mechanisms to the \$1 fee on the retail sale of new tires and to submit a report and recommendations to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 30, 2007.

RESOLVE 37 Resolve, To Increase Wetland Protection

LD 1160

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN DAMON	OTP-AM	H-315

Resolve 2005, chapter 37 requires the Department of Environmental Protection to evaluate the resources necessary to apply all standards in the Maine Revised Statutes, Title 38, section 480-D to projects eligible for Tier 1 wetland review and to report to the Joint Standing Committee on Natural Resources with any recommendations and proposed legislation by February 1, 2006. Chapter 37 also directs the Department of Environmental Protection to work with the Executive Department, State Planning Office and other interested parties to develop a Tier 1 wetlands compensation program, to review and recommend changes to the wetlands exemptions and to report to the Joint Standing Committee on Natural Resources by February 1, 2006. Chapter

Natural Resources

37 also authorizes the Natural Resources Committee to report out legislation to the Second Regular Session of the 122nd Legislature.

RESOLVE 43 Resolve, Regarding Nonnative Invasive Marine Species LD 667

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS EDMONDS	OTP-AM	H-360

Resolve 2005, chapter 43 requires all the appropriate agencies in the State to participate in the development of strategies to prevent introduction of nonnative invasive marine species into coastal waters of the State and to work to eliminate or mitigate the negative impact where these species are introduced. It also requires the Department of Marine Resources in consultation with the Department of Environmental Protection to submit a report to the Joint Standing Committee on Natural Resources and to the Joint Standing Committee on Marine Resources by February 1, 2006 on issues related to nonnative invasive marine species.

RESOLVE 66 Resolve, Regarding Legislative Review of Portions of Chapter 127: EMERGENCY New Motor Vehicle Emission Standards, a Major Substantive Rule of the Bureau of Air Quality LD 1465

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-361

Resolve 2005, chapter 66 authorizes the final adoption of portions of Chapter 127: New Motor Vehicle Emission Standards, a provisionally adopted major substantive rule of the Department of Environmental Protection, Bureau of Air Quality that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain enumerated changes are made to the rule.

Resolve 2005, chapter 66 was finally passed as an emergency measure effective May 31, 2005.

RESOLVE 73 Resolve, Directing a Review of Comprehensive Planning and Growth Management in Maine LD 286

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	OTP-AM	H-476

Resolve 2005, chapter 73 directs the Executive Department, State Planning Office, along with an advisory group, to undertake a study of current state law, policy and procedures regarding land use planning, management and regulation, including a review of the procedures, policies and rules of the office for reviewing comprehensive plans; a review of local efforts to implement the growth management laws and the State's efforts to support the laws; and development of options for improvement of comprehensive planning statewide. It directs the office to submit a report by February 1, 2006 and authorizes the Joint Standing Committee on Natural Resources to report out legislation to the Second Regular Session of the 122nd Legislature.

Natural Resources

RESOLVE 74 Resolve, To Grant the Town of Alton Automatic Intervenor Status LD 1076

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE COWGER	OTP-AM	H-490

Resolve 2005, chapter 74 directs the Department of Environmental Protection to grant the Town of Alton automatic intervenor status if an application for an expansion permit is filed by the Executive Department, State Planning Office for the West Old Town Landfill and if the Town of Alton requests automatic intervenor status.

RESOLVE 84 Resolve, Directing the Air Toxics Advisory Committee To Review the Status of Toxic Emissions from Waste-to-energy Facilities in the State and Recommend Actions Aimed at Reducing and Monitoring These Emissions LD 1408

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN WESTON	OTP-AM	H-374

Resolve 2005, chapter 84 requires the Department of Environmental Protection to provide data to the Air Toxics Advisory Committee that includes information on emissions of hazardous air pollutants from Maine's 4 waste-to-energy facilities. The resolve also requires the Department of Environmental Protection to form a subcommittee of the Air Toxics Advisory Committee to consider the toxic and other emissions from waste-to-energy facilities. The Commissioner of Environmental Protection shall submit a report to the Joint Standing Committee on Natural Resources by February 15, 2006.

**RESOLVE 87 Resolve, Regarding Legislative Review of Chapter 500:
EMERGENCY Stormwater Management and Chapter 502: Direct Watersheds of
Lakes Most at Risk from New Development and Urban Impaired
Streams, Major Substantive Rules of the Department of
Environmental Protection LD 625**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-446

Resolve 2005, chapter 87 authorizes the final adoption of Chapter 500: Stormwater Management and Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams, which are major substantive rules of the Department of Environmental Protection, as long as certain enumerated changes are made to the rules.

Resolve 2005, chapter 87 was finally passed as an emergency measure effective June 3, 2005.

**RESOLVE 93 Resolve, Directing the Department of Education and the
Department of Environmental Protection To Implement
Procedures To Remove Hazardous Materials from Maine Schools LD 1157**

Natural Resources

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM MAJ	H-489
RAYE	ONTP MIN	

Resolve 2005, chapter 93 directs the Department of Education and the Department of Environmental Protection to implement the provisions of the proposal dated May 10, 2005 regarding the removal of hazardous materials from schools. It also directs the departments to report to the Joint Standing Committee on Natural Resources by January 15, 2006 on the effectiveness of their efforts and to recommend changes if necessary.